

FILED

DEC 12 2005

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By JWS Deput

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

USA v. C. Rainey, D. Tolbert, & D. StevensCASE NO. A05-0108 CR (JWS)TO: JUDGE SEDWICK

RE: Trial set by MO at docket 73

The Court finds excludable delay, under the section indicated by check (X) commenced on 2/9/06 and ended on 2/13/06, for a total of 5 days.

SECTION 3161

DELAY CODE

| | | | |
|----------|-------------------|----------------------------------------------------------------------------------------------------------------------------|----|
| - | (h)(1)(A) | Exam or hearing for mental or physical incapacity (18 U.S.C. § 4244). | A |
| - | (h)(1)(B) | NARA Exam (28 U.S.C. § 2902) | B |
| - | (h)(1)(D) | State or Federal trials or other charges. | C |
| - | (h)(1)(E) | Interlocutory appeals. | D |
| - | (h)(1)(F) | Pretrial Motions (from filing to hearing or other prompt disposition). | E |
| - | (h)(1)(G) | Transfers from other districts (per Fed.R.Crim.P. 20, 21, & 40). | F |
| - | (h)(1)(J) | Proceeding under advisement, not to exceed 30 days. | G |
| - | | Miscellaneous proceedings: Parole or probation revocations, deportation, extradition. | H |
| - | (h)(1)(C) | Deferral of prosecution under 28 U.S.C. § 2902. | 5 |
| - | (h)(1)(H) | Transportation from another district or to/from examination or hospitalization in ten days or less. | 6 |
| - | (h)(1)(I) | Consideration by Court of proposed plea agreement. | 7 |
| - | (h)(2) | Prosecution deferred by mutual agreement. | L |
| - | (h)(3)(A)(B) | Unavailability of defendant or essential witness. | M |
| - | (h)(4) | Period of mental or physical incompetence of defendant to stand trial. | N |
| - | (h)(5) | Period of NARA commitment or treatment. | O |
| - | (h)(6) | Superseding indictment and/or new charges. | P |
| <u>X</u> | (h)(7) | Defendant awaiting trial of co-defendants when no severance has been granted. | R |
| - | (h)(8)(A)(B) | Continuances granted per (h)(8) - use "T" alone if more than one of the reasons below are given in support of continuance. | T |
| - | (h)(8)(B)(i) 1) | Failure to continue would stop further proceedings or result in miscarriage of justice. | T1 |
| - | (h)(8)(B)(ii) 2) | Case unusual or complex. | T2 |
| - | (h)(8)(B)(iii) 3) | Indictment following arrest cannot be filed in 30 days. | T3 |
| - | (h)(8)(B)(iv) 4) | Continuance granted in order to obtain counsel, substitute counsel, or give reasonable time to prepare. | T4 |
| - | (i) | Time expired for withdrawal of guilty plea. | U |
| - | (b) | Grand Jury indictment time extended 30 more days. | W |

Date: December 9, 2005 Judicial Officer Signature: 